

1 **Article 1.**

2 **General Provisions.**

3 **§ 12-15-1. Definitions.**

4 When used in this chapter, the following words and phrases shall have the following meanings:

5 (1) [DEP] ABANDONMENT. A voluntary and intentional relinquishment of the custody
6 of a child by a parent, or a withholding from the child, without good cause or excuse, by the
7 parent, of his presence, care, love, protection, maintenance or the opportunity for the display of
8 filial affection, or the failure to claim the rights of a parent, or failure to perform the duties of a
9 parent.

10 (2) [DEP] ABUSE. Harm or the risk of harm to a child's emotional and/or physical health
11 or welfare. Harm or the risk of harm to a child's health or welfare can occur through
12 nonaccidental physical or mental injury, sexual abuse or attempted sexual abuse or sexual
13 exploitation or attempted sexual exploitation.

14 ~~(13)~~ [GPI] ADULT. An individual 19 years of age or older.

15 ~~(24)~~ [GPI] AFTERCARE. Conditions and supervision as the court orders after release ~~of legal~~
16 ~~custody~~ from an order of commitment.

17 ~~(35)~~ [GPI] CHILD. An individual under the age of 18; ~~or under 19 years of age and before~~
18 ~~the juvenile court for a matter arising before that individual's 18th birthday.~~

19 ~~(46)~~ [DEL] CHILD IN NEED OF SUPERVISION. ~~A child~~ An individual who does any of
20 the following while under the age of 18 years:

21 a. ~~Being subject to~~ Has violated the compulsory school attendance policy, ~~is habitually~~
22 ~~truant from school as established by the State Board of Education pursuant to section 16-28-~~
23 2.1; or

b. Disobeys the reasonable and lawful demands of the child's parents, guardian, or other custodian and is beyond their control-; or

c. Has committed an offense established by law but not classified as criminal or one applicable only to children-; and

d. In any of the foregoing, is in need of care or rehabilitation.

(7) [DEP] CHILD-PLACING AGENCY. The same as the tem is defined by Section 38-7-2 (7).

(8) [GP] CHILD’S ATTORNEY. A lawyer who provides legal services for a child and who owes the same duties of undivided loyalty, confidentiality, and competent representation to the child as is due an adult client.

(9) [GP] CHILD’S GUARDIAN AD LITEM. A licensed attorney appointed by a court for a child to protect the child’s best interests without being bound by the child’s expressed wishes.

~~_(5) COMMIT. Transfer legal and physical custody.~~

~~(610)~~ [DEL] CONSENT DECREE. An order, entered after the filing of a delinquency or in need of supervision petition and before the entry of an adjudication order, suspending the proceedings and ~~continuing the case of placing~~ the child under supervision ~~in the child's own home,~~ under terms and conditions agreed to ~~by all~~ between the parties concerned.

~~(711)~~ [GP] COURT ~~or JUVENILE COURT.~~ The juvenile or family court division of the district court or the juvenile or family court division of the circuit court having jurisdiction over matters as ~~established-provided~~ by this chapter.

~~(812)~~ [DEL] DELINQUENT ACT. An act committed by a child that is designated a state or municipal ordinance violation, misdemeanor, or felony offense under the law of this state or of another state if the act occurred in another state or under federal law ~~or a violation of a municipal ordinance except violations of municipal curfew ordinances.~~ The term shall not include

1 nonfelony traffic offenses pursuant to Title 32 of this Code committed by one 16 years of age or
2 older, other than those charged pursuant to Section 32-5A-191 or a municipal ordinance
3 prohibiting the same conduct. The following acts shall also not be included in this definition:
4 traffic offenses committed by a child 16 years of age or older (other than driving under the
5 influence pursuant to Section 32-5A-191); water safety offenses committed by a child 16 years
6 of age or older (other than boating under the influence pursuant to Section 32-5A-191.3); and
7 minors in possession of tobacco products pursuant to Section 28-11-13. Additionally, the term
8 shall not include any criminal act, offense, or violation committed by a child who has previously
9 been transferred for criminal prosecution pursuant to Section 12-15-34 and 12-15-34.1 and
10 convicted or adjudicated a youthful offender on the criminal charge.

11 ~~(913)~~ [DELI] DELINQUENT CHILD. ~~A child~~ An individual who has committed a
12 delinquent act while under the age of 18 years and is in need of care or rehabilitation.

13 ~~(4014)~~ [DEPI] DEPENDENT CHILD. ~~A child~~ An individual under the age of 18 years at the
14 time the petition is filed:

- 15 ~~a. Who, for any reason is destitute, homeless, or dependent on the public for support; or~~
16 a. Whose parent, parents, guardian or other custodian subjects the child or any other child
17 in the household to abuse or neglect as defined in this chapter; or
18 b. Who is without a parent, ~~or~~ guardian or custodian able or willing or both to provide for
19 the child's care, support, ~~training~~, or education; or
20 ~~e. Whose custody is the subject of controversy; or~~
21 ~~d. Whose home, by reason of neglect, cruelty, or depravity on the part of the parent,~~
22 ~~parents, guardian, or other person in whose care the child may be, is an unfit and improper~~
23 ~~place for the child; or~~

1 ~~ec.~~ Whose parent, parents, guardian, or other custodian neglects or refuses, when able to
2 do so or when such service is offered without charge, to provide or allow medical, surgical,
3 or other care necessary for the child's health or well-being; or

4 ~~f. Who is in a condition or surroundings or is under improper or insufficient guardianship~~
5 ~~or control as to endanger the morals, health, or general welfare of the child; or~~

6 ~~g. Who has no proper parental care or guardianship; or~~

7 ~~hd.~~ Whose parent, parents, guardian, or custodian fails, refuses, or neglects to send the
8 child to school in accordance with the terms of the compulsory school attendance laws of this
9 state; or

10 ~~ie.~~ Who has been abandoned as defined in Section 26-18-2 (1). by the child's parents,
11 guardian, or other custodian; or

12 ~~j. Who is physically, mentally, or emotionally abused by the child's parents, guardian, or~~
13 ~~other custodian or who is without proper parental care and control necessary for the child's~~
14 ~~well-being because of the faults or habits of the child's parents, guardian, or other custodian~~
15 ~~or their neglect or refusal, when able to do so, to provide them; or~~

16 ~~kf.~~ Whose parents, guardian, or other custodian are unable to discharge their
17 responsibilities to and for the child; or

18 ~~lg.~~ Who has been placed for care or adoption in violation of the law; or

19 ~~mh.~~ Who for any other cause is in need of the care, services or ~~and~~ protection of the state;
20 ~~and.~~

21 ~~n. In any of the foregoing, is in need of care or supervision.~~

22 ~~(4415)~~ IDEAL DETENTION CARE. The temporary care of delinquent children or children
23 alleged to be delinquent in secure custody pending court disposition or transfer to a residential
24 facility or further care of a child adjudicated a delinquent.

~~_(12) GUARDIAN AD LITEM. A licensed attorney appointed by a court to defend or represent a child in any action to which the child may be a party.~~

~~(1316) [GPI] INTAKE OFFICE OFFICER. The office in the probation service or designee of the judge with the duty of primary contact with the law enforcement agency and complainants of children coming under the jurisdiction of the court.~~
A person designated by the judge to initiate original delinquent, dependent and child in need of supervision cases before the court.

~~_(14) JUDGE. Judge of the juvenile court as prescribed by this chapter.~~

~~(1517) [GPI] LAW ENFORCEMENT OFFICER. Any person, however denominated, who is authorized by law to exercise the police powers of the state, county or local governments.~~

~~(1618) [GPI] LEGAL CUSTODIAN. A parent, person, agency, entity or department, other than a parent or legal guardian, to whom legal custody of the child has been given awarded by court order or who is acting in loco parentis.~~

~~(1719) [GPI] LEGAL CUSTODY. A legal status created by court order which vests in a custodian the right to have physical custody of the child and to determine where and with whom the child shall live within the state and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, clothing, education, and ordinary medical care, all subject to the powers, rights, duties, and responsibilities of the guardian of the person of the child and subject to any residual parental rights and responsibilities. An individual or agency granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized restricted by the juvenile court.~~

~~_(18) MINOR. An individual who is under the age of 19 years and who is not a "child" within the meaning of this chapter.~~

~~(1920) [GPI] MULTIPLE NEEDS CHILD. A child coming to the attention of the court or one of the entities listed herein who is at imminent risk of out-of-home placement or a placement~~

1 in a more restrictive environment, ~~as a result of the conditions of emotional disturbance, behavior~~
2 ~~disorder, mental retardation, mental illness, dependency, chemical dependency, educational~~
3 ~~deficit, lack of supervision, delinquency, or physical illness or disability, or any combination~~
4 ~~thereof~~, and whose needs require the services of two or more of the following entities:

5 Department of Youth Services, public school system (services for exceptional needs),
6 Department of Human Resources, Department of Public Health, juvenile court probation
7 services, or Department of Mental Health and Mental Retardation.

8 (21) [GP] PARENTS. The legal or biological parents of a child, inclusive of a putative
9 father.

10 (2022) [DEL] PROBATION. The legal status created by court order following an
11 adjudication of delinquency or in need of supervision whereby a child is permitted to remain in a
12 community subject to supervision and return to court for violation of probation at any time
13 during the period of probation.

14 ~~(21) PROBATION SERVICES. The performance of any of the following:~~

15 ~~a. The making of investigations, reports, and recommendations to the court as directed by~~
16 ~~law.~~

17 ~~b. The receiving and examining of complaints and charges of delinquency for the purpose~~
18 ~~of considering the commencement of proceedings under law.~~

19 ~~c. The supervision of a child placed on probation by order of the court.~~

20 ~~d. The supervision of a child placed on aftercare by order of the court.~~

21 ~~e. The making of appropriate referrals to other private or public agencies of the~~
22 ~~community, if their assistance appears to be needed or desirable.~~

23 ~~f. The taking into custody and detaining of a youth who is under the supervision and care~~
24 ~~of the Department of Youth Services as a delinquent where there is reasonable cause to~~

~~believe that the health or safety of the youth or that of another is in imminent danger, or that he or she may abscond or be moved from the jurisdiction of the court, or when ordered by the court pursuant to the Juvenile Code.~~

~~g. The performing of all other functions designated by the Juvenile Code or by order of the court pursuant thereto.~~

(2223) [DEP] PROTECTIVE SUPERVISION. A legal status created by court order following an adjudication of dependency whereby a child is permitted to remain in the child's home subject to supervision and to return to the court for violation of protective supervision at any time during the period of protective supervision.

(2324) [DEP] RESIDENTIAL FACILITY. A dwelling, other than a detention or shelter care facility, providing living accommodations, care, treatment, and maintenance for children, including, but not limited to, institutions, foster family homes, group homes, half-way houses, and forestry camps, and, where not operated by a public agency, licensed, or approved to provide the care.

(2425) [GPI] RESIDUAL PARENTAL RIGHTS AND RESPONSIBILITIES. Those rights and responsibilities remaining with the parent after the transfer of legal custody or guardianship of the personchild, including, but not necessarily limited to, the right of visitation, the right to withhold consent to adoption, ~~the right to determine religious affiliation~~, and the responsibility for support.

(26) [DEP] SEXUAL ABUSE. “Sexual abuse” includes the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or having a child assist any person to engage in any sexually explicit conduct or any simulation of the conduct for the purpose of producing any visual depiction of the conduct. Also, sexual abuse also includes rape,

1 molestation, prostitution, or other forms of sexual exploitation or abuse of children, or incest
2 with children, as those acts are defined by Alabama law.

3 (27) [DEP] SEXUAL EXPLOITATION. "Sexual exploitation" includes allowing,
4 permitting, or encouraging a child to engage in prostitution and allowing, permitting,
5 encouraging or engaging in the obscene or pornographic photographing, filming, or depicting of
6 a child for commercial purposes.

7 (2528) [GPI] SHELTER CARE. The temporary care of children in group homes, foster care,
8 relative placement or other nonpenal facilities.

9 (29) [DEP] TERMINATION OF PARENTAL RIGHTS. A severance of all rights of a
10 parent to a child.